THE HON'BLE SRI JUSTICE V.V.S.RAO

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WRIT PETITION No.1833 of 2006

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Dated:31.01.2006

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Between:

Smt.K.M.Bhagya Lakshmi, w/o.K.M.Venkateswarulu.

…Petitioner

And

District Collector, Ananthapur District and another.

…Respondents

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WRIT PETITION No.1833 of 2006

ORDER:

The petitioner filed the instant writ petition seeking a writ of mandamus declaring the action of the second respondent in trying to dispossess her from the land admeasuring Ac.0.83 cents situated in Survey No.112-3 G of Somaladoddi Village,

Anantapur Mandal in Anantapur District as illegal and arbitrary. It is the case of the petitioner that she purchased the land in question under registered sale deed dated 23.12.2003. The second respondent issued a notice under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules') alleging that the petitioner contravened the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The petitioner immediately submitted an explanation, and the enquiry is pending. In the meanwhile, it is alleged that on 23.01.2006 the second respondent came to the petitioner and directed her to evict the land. Apprehending eviction, the present writ petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). Even according to the petitioner, the second respondent issued a notice in January 2005 under Rule 3 of the Rules. The enquiry is still pending. Therefore, unless and until, any orders are passed under Section 4 of the Act recording a finding that the petitioner is in possession of the land in contravention of the provisions of the Act, if the petitioner is in possession, she cannot be evicted. As rightly submitted by the learned Assistant Government Pleader, the writ petition is filed on a mere apprehension by making wild allegation that the second respondent is trying to evict her. The same is misconceived.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

31.01.2006

vs